

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**Application of Perseus 1827 Adams Mill Investments LLC
1827 Adams Mill Road, N.W. (Square 2580, Lot 521)**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

This statement is submitted by Perseus 1827 Adams Mill Investments LLC (the "Applicant"), the owner of property located at 1827 Adams Mill Road, N.W. (Square 2580, Lot 521) (the "Site"), in support of its application pursuant to 11 DCMR § 3104.1 for special exception relief under 11 DCMR §§ 712 and 721.3(t) to permit a prepared food shop with greater than 18 seats for patrons in the C-2-A District at the Site.

The Applicant will file its Statement of the Applicant with the Board of Zoning Adjustment ("BZA" or the "Board") no less than 14 days prior to the public hearing on this Application. In the Statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested special exception relief. The following is a summary indicating how the Applicant will meet its burden of proof.

I. Background

The Site is zoned C-2-A and is identified as Lot 521 in Square 2580. The Site fronts on the east side of Adams Mill Road, N.W., between Columbia Road and Lanier Place, and is located one half-block north of the intersection of 18th Street and Columbia Road in Adams Morgan. The Site is surrounded by R-5-B zoning to the northeast, northwest, and southwest, and the C-2-B zoning to the southeast. The Site is irregular in shape and contains approximately 14,695 square feet of land area. A ten foot wide public alley abuts the southeast side of the Site, with direct access from Adams Mill Road.

Pursuant to BZA Order No. 18533, dated May 17, 2013, and effective on May 24, 2013, the Board approved an application for variance and special exception relief to allow the construction of a mixed-use retail, service, and residential building at the Site. The approved project is a four-story building with ground floor retail/service uses and three floors of multifamily use above. The residential entrance is located on Lanier Place; the retail entrances are located on Lanier Place and Adams Mill Road. Pursuant to Building Permit No. B1307925, and as shown in the photographs included with the application materials, construction of the approved building is currently underway at the Site.

II. Description of Relief Requested

The Applicant seeks special exception relief under 11 DCMR §§ 712 and 721.3(t), which together permit a prepared food shop¹ with greater than 18 seats for patrons as a special exception, provided that no drive-through is permitted. The Applicant recently contracted with Philz Coffee (“Philz”) to operate a prepared food shop in a portion of the ground floor retail space of the approved building at the Site. Philz is a coffee retailer based in San Francisco that specializes in customized coffee blends and individually hand-crafted cups made to order. The company was founded in 2003 and now has 21 locations throughout California. Philz proposes to open its first east coast location at the Site. As shown on the ground floor layout plan included in the Application, Philz proposes to provide 29 seats for patrons in a portion of the ground floor retail space at the Site, thus requiring special exception relief under 11 DCMR §§ 712 and 721.3(t). No drive-through is proposed.

¹ A prepared food shop is defined in 11 DCMR § 199.1 as “a place of business that offers seating or carry out service, or both, and which is principally devoted to the sale of prepared food, non-alcoholic beverages, or cold refreshments. This term includes an establishment known as a sandwich shop, coffee shop, or an ice cream parlor.”

II. Burden of Proof

Pursuant to 11 DCMR § 3104.1, the Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions where, in the judgement of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. Special exception relief is deemed compatible with other uses permitted in a particular zoning district provided that the specific regulatory requirements are met. If the Applicant meets its burden, the Board ordinarily must grant the application. *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695 (1981).

In this case, the requested special exception is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia (§ 720.2) and is intended to accommodate a major portion of existing commercial strip developments (§ 720.5). The Site is located in a mixed-use neighborhood with numerous ground floor retail establishments in the surrounding blocks. The majority of the properties on the north side of Columbia Road, between Adams Mill Road and Ontario Road, are also zoned C-2-A and have a variety of ground floor retail uses. Properties on the east and west sides of 18th Street, and properties on the west side of the intersection of Columbia and Adams Mill Roads, are zoned C-2-B and also have a variety of ground floor retail uses. The proposed prepared food shop use will be in harmony with the surrounding uses, as dictated by the Zoning Regulations and Zoning Map.

In addition, the project will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. The prepared food shop use will be located on a street and in a neighborhood that has a variety of retail uses. The proposed use is oriented toward the commercial section of Adams Mill Road. The main entrance to the shop will be on Adams Mill Road, with a secondary entrance/emergency exit on Lanier Place. As a neighborhood-serving use, the prepared food shop will primarily serve residents of the surrounding community who would walk, bike, or take public transportation to the Site.

Based on the foregoing, approval of the requested special exception relief to permit 29 seats in the prepared food shop will not have an adverse effect on the use of neighboring property.